IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

WP(C).No. 25765 of 2006(P)

PETITIONERS:

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1. **K.P. ALIAS, GOVT.CONTRACTOR,**
   KOORANTHAZHATHUPARAMBIL HOUSE,
   PULIYANAM P.O., ANGAMALY-VIA,
   ERNAKULAM DISTRICT.

2. **T.V. MATHAI KUNJU, GOVT.CONTRACTOR,**
   THELAPPILLY HOUSE, PULIYANAM P.O.,
   ANGAMALY-VIA, ERNAKULAM DISTRICT.

3. **P.T. BABU, GOVT.CONTRACTOR,**
   PALLIPPADAN HOUSE, KARUKUTTY P.O.,
   ERNAKULAM DISTRICT.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA,
SRI.K.I.SAGEER IBRAHIM.

RESPONDENTS:

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1. **STATE OF KERALA, REP. BY ITS**
   SECRETARY TO GOVERNMENT, DEPT.OF WATER RESOURCES,
   GOVT.SECRETARIAT, THIRUVANANTHAPURAM.

2. **THE SUPERINTENDING ENGINEER,**
   IDAMALAYAR IRRIGATION PROJECT,
   PROJECT CIRCLE, PIRAVOM, ERNAKULAM DISTRICT.

3. **THE EXECUTIVE ENGINEER, IDAMALAYAR**
   IRRIGATION PROJECT, CHALAKUDY,
   THRISSUR DISTRICT.

W.P.(C). NO.25765/2006:

4. THE SUPERINTINDING ENGINEER,
P.W.D. (ROADS & BRIDGES) CENTRAL CIRCLE,
ALUVA, ERNAKULAM.

5. THE EXECUTIVE ENGINEER, P.W.D.
(ROADS DIVISION), THRISSUR.

6. THE DIRECTOR OF VIGILANCE & ANTI
CORRUPTION BUREAU, THIRUVANANTHAPURAM.

BY GOVT. PLEADER SMT. K.R. DEEPA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/02/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.25765/2006:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE G.O. (RT). NO. 6851/2005/FIN. DTD. 05/10/05 ISSUED BY THE GOVERNMENT.

EXT.P.2: COPY OF THE RELEVANT PORTION OF THE JUDGMENT DTD. 11/11/05 IN W.P. (C). NO. 11936/04 OF THIS HONOURABLE COURT.

EXT.P.3: COPY OF THE REPRESENTATION DTD. 21/11/05 FILED BY THE P.1. BEFORE THE RESPONDENTS 1 TO 3.

EXT.P.4: COPY OF THE REPRESENTATION DTD. 23/11/05 FILED BY THE P.2. BEFORE THE RESPONDENTS 1 TO 3.

EXT.P.5: COPY OF THE REPRESENTATION DTD. 05/12/05 FILED BY THE P.3. BEFORE THE RESPONDENTS 1 TO 3.

EXT.P.5.A: COPY OF THE JUDGMENT DTD. 23/03/06 IN W.P.(C). NO. 31/06 OF THIS HONOURABLE COURT.

EXT.P.6: COPY OF THE G.O. (RT). NO. 742/2006/WRD DTD. 26/06/06 ISSUED BY THE R.1.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P.(C) No.25765 of 2006

Dated 20th February, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayer :-

> "Issue a writ of mandamus or any other appropriate writ, order or direction commanding the respondents 1 to 3 to disburse the amount sanctioning in favour of the petitioners by issuing Ext.P1 letter of credit, on getting proper security/guarantee, as may be insisted by respondents 1 to 3, pending finalisation of the enquiry ordered in Ext.P2 judgment."

It is submitted that the time stipulated in Ext.P2 judgment has already expired and still the payments due to the petitioners have not been made. In Ext.P6 Government letter dated 26.6.2006, it is stated that "The question of payment of the balance amount, if any due to them (petitioners) will be considered on getting recommendation from the Vigilance Department on completion of investigation." There is no current instruction as to what is the stage of vigilance enquiry. In the above circumstances, the writ petition is disposed of as follows :-

There will be a direction to the Vigilance Department, since the time fixed in Ext.P2 judgment has already expired, to furnish the report to the Government within a period of one month

from the date of production of a copy of the judgment by the petitioners before the 6th respondent. Depending on the report thus submitted by the 6th respondent, appropriate action in the matter of disbursement of the balance amounts to the petitioners will be taken by the Government within another one month.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

W.P.(C)No. of 2002

J U D G M E N T

Dated 20th February, 2007.